

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:19-cv-00540-KPF**

The New York Times Company, et al v. Department of Transportation  
Assigned to: Judge Katherine Polk Failla  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/18/2019  
Date Terminated: 05/08/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**The New York Times Company,**

represented by **David Edward McCraw**  
The New York Times Company (10018)  
620 Eighth Avenue  
New York, NY 10018  
(212) 556-4031  
Fax: (212) 556-1009  
Email: [mccraw@nytimes.com](mailto:mccraw@nytimes.com)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Benjamin Protess**

represented by **David Edward McCraw**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Department of Transportation**

represented by **Andrew Edward Krause**  
United States Attorney's Office, SDNY  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
(212) 637-2769  
Fax: (212) 637-2786  
Email: [andrew.krause@usdoj.gov](mailto:andrew.krause@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/18/2019	<u>1</u>	COMPLAINT against Department of Transportation. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16212138) Document filed by The New York Times Company,, Benjamin Protess.(McCraw, David) (Entered: 01/18/2019)
01/18/2019	<u>2</u>	CIVIL COVER SHEET filed. (McCraw, David) (Entered: 01/18/2019)
01/18/2019	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate BlackRock Inc. for The New York Times Company,. Document filed by The New York Times Company,.(McCraw, David) (Entered: 01/18/2019)
01/18/2019	<u>4</u>	<b>FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS</b> as to Department of Transportation, re: <u>1</u> Complaint. Document filed by Benjamin Protess, The New York Times Company,. (McCraw, David) Modified on 1/22/2019 (jgo). (Entered: 01/18/2019)
01/22/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Katherine Polk Failla. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing

		courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (jgo) (Entered: 01/22/2019)
01/22/2019		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (jgo) (Entered: 01/22/2019)
01/22/2019		Case Designated ECF. (jgo) (Entered: 01/22/2019)
01/22/2019		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS.</b> Notice to Attorney David Edward McCraw to RE-FILE Document No. <u>4</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct. The incorrect PDF was selected; Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo) (Entered: 01/22/2019)
01/22/2019	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Transportation, re: <u>1</u> Complaint. Document filed by Benjamin Protess, The New York Times Company,.(McCraw, David) (Entered: 01/22/2019)
01/23/2019	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to Department of Transportation. (dnh) (Entered: 01/23/2019)
01/30/2019	<u>7</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: This case has been assigned to me for all purposes. It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court on April 2, 2019, at 4:30 p.m., in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, and as further set forth in this Order. So ordered. (Initial Conference set for 4/2/2019 at 04:30 PM in Courtroom 618, U.S. Courthouse, 40 Centre Street, New York, NY 10007 before Judge Katherine Polk Failla). (Signed by Judge Katherine Polk Failla on 1/30/2019) (rjm) (Entered: 01/30/2019)
02/15/2019	<u>8</u>	NOTICE OF APPEARANCE by Andrew Edward Krause on behalf of Department of Transportation. (Krause, Andrew) (Entered: 02/15/2019)
03/06/2019	<u>9</u>	ANSWER to <u>1</u> Complaint. Document filed by Department of Transportation.(Krause, Andrew) (Entered: 03/06/2019)
03/21/2019	<u>10</u>	JOINT LETTER addressed to Judge Katherine Polk Failla from David E. McCraw dated March 21, 2019 re: Initial Pretrial Conference. Document filed by Benjamin Protess, The New York Times Company,.(McCraw, David) (Entered: 03/21/2019)
03/21/2019	<u>11</u>	MEMO ENDORSEMENT on re: <u>10</u> Letter filed by Benjamin Protess, The New York Times Company. Application GRANTED. The parties are hereby ORDERED to submit a joint status letter on or before April 26, 2019. If the parties are still contemplating motion practice as of that date, the parties are directed to comply with the Court's Individual Rules and, in addition to the joint status letter, submit pre-motion letters on or before April 26, 2019. The Initial Pretrial Conference is hereby ADJOURNED to April 30, 2019, at 10:30 a.m. If the parties submit pre-motion letters, the Initial Pretrial Conference will also serve as a pre-motion conference. SO ORDERED. (Signed by Judge Katherine Polk Failla on 3/21/2019) (Initial Conference set for 4/30/2019 at 10:30 AM before Judge Katherine Polk Failla.) (ks) (Entered: 03/21/2019)
03/27/2019	<u>12</u>	LETTER MOTION to Adjourn Conference <i>currently scheduled for April 30, 2019</i> addressed to Judge Katherine Polk Failla from Andrew E. Krause dated March 27, 2019. Document filed by Department of Transportation.(Krause, Andrew) (Entered: 03/27/2019)
03/27/2019	<u>13</u>	ORDER granting <u>12</u> Letter Motion to Adjourn Conference. Application GRANTED. The Initial Pretrial Conference is hereby ADJOURNED to Friday, May 10, 2019, at 4:00 p.m. SO ORDERED. (Initial Conference set for 5/10/2019 at 04:00 PM before Judge Katherine Polk Failla.) (Signed by Judge Katherine Polk Failla on 3/27/2019)

		(anc) (Entered: 03/27/2019)
04/24/2019	<u>14</u>	LETTER MOTION for Extension of Time addressed to Judge Katherine Polk Failla from David E. McCraw dated April 24, 2019. Document filed by Benjamin Protess, The New York Times Company,.(McCraw, David) (Entered: 04/24/2019)
04/25/2019	<u>15</u>	ORDER granting <u>14</u> Letter Motion for Extension of Time: Application GRANTED. (Signed by Judge Katherine Polk Failla on 4/24/2019) (jwh) (Entered: 04/25/2019)
05/06/2019	<u>16</u>	JOINT LETTER addressed to Judge Katherine Polk Failla from David E. McCraw dated May 6, 2019 re: Status Update. Document filed by Benjamin Protess, The New York Times Company,.(McCraw, David) (Entered: 05/06/2019)
05/06/2019	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Letter Status Update, filed by Benjamin Protess, The New York Times Company. ENDORSEMENT: Application GRANTED. The Initial Pretrial Conference is hereby ADJOURNED sine die. So Ordered., (Signed by Judge Katherine Polk Failla on 5/6/19) (yv) (Entered: 05/06/2019)
05/07/2019	<u>18</u>	PROPOSED STIPULATION AND ORDER. Document filed by Benjamin Protess, The New York Times Company,. (McCraw, David) (Entered: 05/07/2019)
05/08/2019	<u>19</u>	STIPULATION AND ORDER OF DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: DOT's April 12, 2019 production resolves any and all claims that Plaintiffs now have or may hereinafter acquire against DOT or the United States of America (the "United States"), or any department, agency, officer, or employee of DOT and/or the United States, related to or arising out of the FOIA Request. This action is hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own fees and costs. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. Application GRANTED. SO ORDERED. (Signed by Judge Katherine Polk Failla on 5/8/2019) (ne) (Entered: 05/08/2019)